

REMARKS

In the Office Action, the Examiner objected to the Title. In response thereto the Title has been amended.

The Examiner objected to the Abstract. In response thereto the Abstract has been
5 amended.

The Examiner objected to claim 1 and claim 9. Claim 9 has been amended. Applicants respectfully assert that the term "error reporting" in claim 1 at line 17 (prior to amendment) is proper to refer to the act of "error reporting" by at least some of the plurality of receivers failing to correctly receive all of the plurality of data packets.

10 The Examiner rejected claims 10, 11, and 16-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10, 11, and 16-18 have been amended to overcome these rejections.

The Examiner rejected claims 1, 6, 7, 9, 10, 15, 16, 18, 19, 24, 25, and 27 under 35
15 U.S.C. 102(e) as being anticipated by Miller et al. et al. (US Pat. No. 5,727,002, "Miller"). The Examiner rejected claims 2-5, 11-14, and 20-23 under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Kang (US Pat. No. 6,128,776). The Examiner rejected claims 8, 17 and 26 under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Chiu et al. (US Pat. No. 6,505,253 "Chiu"). Applicants herein amend a number of the claims to overcome these
20 rejections.

Claim 1 has been amended to more particularly point out the Applicant's invention. In particular, claim 1 has been amended to further distinguish that the plurality of receivers service cellular wireless communications within a cellular wireless communication system. Further, claim 1 has been amended to require that the file comprises a software update that, when

implemented, alters the manner in which the plurality of receivers service wireless terminals operating within their respective service areas.

Miller generally discloses how a file may be multicast to a plurality of receivers. Kang generally discloses managing software within a CDMA base station. Chiu addresses error
5 recovery in a multicast system. These references, singularly or in combination, fail to disclose, suggest, or teach the combination of elements of amended claim 1. Thus, amended claim 1 is allowable over these and the other cited references. Amended independent claims 10 and 19 include similar limitations as does claim 1 and are allowable for these same reasons. Claims 2-9, 11-18, and 20-27 depend from amended claims 1, 10, and 19, respectively, and are allowable for
10 these same reasons.

All claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,

Date: August 16, 2004

By:


Bruce E. Garlick, Reg. 36,520

Garlick, Harrison & Markison, LLP

P.O. Box 160727
Austin, TX 78716-0727
(512) 264-8816
(512) 264-3735 fax